



POLICE DEPARTMENT

January 4, 2013

MEMORANDUM FOR: Police Commissioner

Re: Detective Anngeannet Pinkston
Tax Registry No. 914481
84 Precinct
Disciplinary Case No. 2010-2983

The above-named member of the Department appeared before me on June 26, 2012,¹ charged with the following:

1. Said Detective Anngeannet Pinkston, while on Dismissal Probation and while assigned to the Fleet Services Division, on or about and between January 2009 and October 18, 2010, did wrongfully and without just cause engage in off-duty employment without permission or authority to do so, to wit, said Detective co-owned and co-operated "Harlem Creations," an event production company.

P.G. 205-40, Page 1, Paragraphs 1 & 2 OFF-DUTY EMPLOYMENT
PERSONNEL MATTERS

2. Said Detective Anngeannet Pinkston, while assigned to the Fleet Services Division or the 84th Precinct, on or about and between January 2009 and October 18, 2010, did wrongfully and without just cause utilize Department computers, printers, and related supplies for non Department or non-city purpose, to wit: said Detective used Department resources and equipment to print flyers and other postings related to an event production company she co-owned and co-operated and used a Department computer to access internet web sites for non Department or non-city purpose, on thirty-three (33) occasions. (*As amended*)

P.G. 203-08, Page 1, Paragraph 16 PERFORMANCE ON DUTY
PROHIBITED CONDUCT
GENERAL REGULATIONS

¹ The trial record was held open until July 10, 2012 to permit the entry into evidence of the transcript of the official Department interview of Police Officer Person A [Department's Exhibit (DX) 1].

The Department was represented by Jessica Brenes, Esq., Department Advocate's Office, and Respondent was represented by James Moschella, Esq.

Respondent, through her counsel, entered a plea of Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent is found Not Guilty of Specification No. 1. Respondent is found Guilty of Specification No. 2.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Sergeant Paul Alonzo, Supervisor of Mechanics Michael Calise and Sergeant Leon Lian as witnesses, and offered the transcript of the official Department interview of former Police Officer Person A.

Sergeant Paul Alonzo

Sergeant Alonzo, a 26-year member of the service (MOS), has been assigned to Support Services Bureau Investigation Unit (SSBIU) for the past ten years. Alonzo testified that he was assigned to investigate allegations that Respondent had engaged in unauthorized off-duty employment and unauthorized use of a Department computer as the result of an anonymous letter that was received by the Internal Affairs Bureau (IAB).

Alonzo conducted internet research on websites associated with the allegation and he arranged to have Department computers forensically reviewed. Alonzo accessed the internet website of the organization Harlem Creations. The website described Harlem Creations as a company that produced plays and the "Young Miss Harlem Beauty Pageant." The website of Harlem Creations listed Respondent and former Police Officer Person A as board members. In photos posted on the Harlem Creations website, Respondent was identified as the director and contact person for ticket sales and Person A was labeled as the writer and producer. [Department Exhibit (DX) 3]

Alonzo conducted an official Department interview of Person A on October 1, 2010 (DX 1 and 1A). At this interview, Person A stated that she and Respondent were the creators of Harlem Creations. Person A stated that she had created the website and the name Harlem Creations, and that Respondent had directed plays produced by Harlem Creations. She admitted to using a Department computer while on duty to produce Harlem Creations documents and to change websites. Person A stated that Supervisor of Mechanics Michael Calise was the stage manager for some Harlem Creations plays. Person A produced the plays, "Hello", "The Lord Knows" and "I Lost My Heart in Haiti." "I Lost My Heart in Haiti" was performed on May 31, 2010 at the National Black Theater and for one week during August, 2010, at the Producers' Club. Person A wrote these plays and Respondent directed them. Person A stated that an internet website, Ticketleap.com, was used for ticket sales. Person A and Respondent personally handed out tickets for sale and Respondent handled the ticket sales at the venues and collected the proceeds of ticket sales for performances of "I Lost My Heart in Haiti."

Alonzo conducted an official Department interview of Respondent on October 1, 2010 (DX 2). Respondent told him that she had submitted an Off-Duty Employment Application in February 2010. She also stated that she submitted a new application when she was transferred to a new command, the 84 Precinct.

Alonzo interviewed members of the Employee Management Division who told him that no Off-Duty Employment Application had been submitted by Respondent and there were no applications on file.

Alonzo arranged to have three computer towers at the Fleet Services Division forensically reviewed by Sergeant Leon Lian of IAB Group 1. One tower was assigned to the supervisor's desk at the Salvage Unit which was for Supervisor of Mechanics Michael Calise. The second tower was in the Warranty office where Person A was assigned and the third tower was assigned to the Accident Desk office, which was where Respondent was assigned. Lian provided Alonzo with the results of his forensic evaluation which demonstrated that on certain dates and times, Respondent had used a Department computer while on duty to access the websites for Harlem Creations and "I Lost My Heart in Haiti."

Alonzo searched the New York State database which lists incorporations and not-for-profit licenses. He could not find any filing for Harlem Creations or "I Lost My Heart in Haiti."

On cross-examination, Alonzo confirmed that the anonymous letter contained only one paragraph which alleged that Respondent and Person A had engaged in off-duty employment during May or June of 2010. Alonzo also confirmed that IAB determined that the nature of the complaint did not meet the criteria for IAB keeping the case so it

was forwarded to SSBIU. Alonzo agreed that Respondent had never previously been the subject of an off-duty employment allegation. All of the documented computer searches regarding Harlem Creations and "I Lost My Heart in Haiti" were performed during or after February, 2010. Alonzo agreed that Respondent was cooperative during her official Department interview and that she stated that she did not believe that she had done anything wrong. Alonzo agreed that Person A was more responsible than Respondent for creating and writing the plays. Person A told him that she had taken steps to file for not-for-profit status for Harlem Creations. Alonzo confirmed that only Person A's name was cited on the online site for ticket sales. No allegation of missing funds related to ticket sales was ever made. Alonzo confirmed that neither Respondent nor Person A ever received any payment as a result of their involvement with Harlem Creations or the play "I Lost My Heart in Haiti." On the contrary, Respondent and Person A lost thousands of dollars of their own money.

Respondent told Alonzo, during her official Department interview, that she had volunteered her time working for Harlem Creations and "I Lost My Heart in Haiti." Alonzo contacted an unidentified lieutenant who is assigned to Deputy Commissioner-Labor Relations (DCLR) to clarify whether volunteering time in this type of an endeavor would constitute off-duty employment under Department guidelines. The lieutenant told him that DCLR did not consider it a conflict of interest or a violation of off-duty employment guidelines for an MOS to perform volunteer work for a not-for-profit organization where the MOS was not receiving any income or benefits from the not-for-profit organization. Alonzo agreed that if Person A had followed through and obtained not-

for-profit status for Harlem Creations, Respondent's involvement with Harlem Creations would not be in violation of the Department's off-duty employment guidelines.

Alonzo confirmed that the internet searches performed by Respondent on a Department computer did not cost the Department anything. Alonzo also confirmed that he had checked with Management Information System Development (MISD) to ascertain whether any information was downloaded onto the Department computer or downloaded into any of Respondent's personal folders. Nothing was downloaded and Respondent had no personal folders containing any documents relating to Harlem Creations or for the play "I Lost My Heart in Haiti." Alonzo agreed that Respondent had indicated during her official Department interview that one of the reasons she became involved in presenting the play "I Lost My Heart in Haiti" was to raise money for relief funds for Haiti.

Supervisor of Mechanics Michael Calise

Calise, a member of the Department for 31 years, is assigned to Fleet Services Division (FSD). He was promoted to Supervisor of Mechanics about ten years ago. Calise met Respondent when she was assigned to FSD and they have been friends for about six years. When Person A and Respondent told Calise that they were starting a production company called Harlem Creations, Carlisle decided to help them because he had an entertainment background. Calise stated that he was not interested in acting so he "fell" into the stage management role for the production of "I Lost My Heart in Haiti." He created and constructed sets and props and dealt with the actors and actresses. He attended a couple of the auditions for performers conducted by Respondent and Person A. Either Person A or Respondent gave him advertising flyers for the plays to distribute.

There were costs associated with the theaters where the plays were performed, but Calise did not know who paid for these costs. Calise estimated that the National Black Theater has about 200 seats and the Producer Club's room can seat about 75 people. Calise testified that he was also involved in the play "The Lord Knows."

On cross-examination, Calise confirmed that Person A wrote "I Lost My Heart in Haiti," that the play was Person A's idea, and that as result of her enthusiasm for it, he and Respondent became involved. Calise confirmed that he, Person A and Respondent had hoped that the play would be successful and that they would be able to donate money to Haiti relief but instead the play lost money.

Calise owns an entertainment company called New York City Sounds. He has obtained Department permission to engage in this off-duty business. Calise testified that he did not consider his work with Harlem Creations to be off-duty employment because he was just helping out his friends and was not making a profit out of it. Calise conducted online searches regarding the play and visited the play's website and the Harlem Creations website using the Department computer. He also printed out a flyer advertising the play. Calise was served with Charges and Specifications for failing to submit an Off-Duty Employment Application. These charges were ultimately dismissed and Calise was not disciplined for his involvement with the production company.

Sergeant Leon Lian

Lian, a 17-year member of the Department, has been assigned to IAB-Group 7 since 2006. He is a computer forensic examiner who reviews the raw data contained on a computer's hard drive in order to recover the history of the computer's use. Lian testified

that he has conducted over one hundred of these examinations. In 2005, he completed an eight-week training course Forensic Examinations of Computers at the Federal Law Enforcement Academy conducted by the U.S. Secret Service and other federal agencies.

In August 2010, he was assigned to examine Respondent's computer. The computer hard drive was duplicated using an image solo master. From the image drive, Lian used a program called Encase Version 5.5 to look at the raw data contained on the computer's hard drive. He used a secure Talbleu write block, which he attached to the hard drive, to prevent any alterations in the hard drive. He used this procedure in an attempt to recover any internet history regarding "I Lost My Heart in Haiti," Harlem Creations, Ticketleap.com, and the "Young Miss Harlem Beauty Pageant."

Lian's examination of Respondent's hard drive revealed that Respondent's user account, which included her user name, her last name and her tax number, had been used to log into the Department's FINEST system and to access the websites for Harlem Creations, "I Lost My Heart in Haiti" and Ticketleap.com. Lian produced a forensic report, in the form of a computer printout, regarding his findings (DX 4). He determined that between January 2009 and October 18, 2010, Respondent's user account had accessed the Harlem Creations website page 47 times. This website had been accessed by Respondent's user account both through a Google search and through use of a "favorites" icon which is created by the user in order to obtain quicker access to a website by avoiding having to type the name of the website in the Google search box. "I Lost My Heart in Haiti" was accessed about 25 times. Ticketleap.com was accessed about 47 times. Lian also found that the "Yele" website was listed as a "favorites" icon. Lian

ascertained that Yele is a non-profit website that was created by a rap singer and to promote relief efforts in Haiti.

During cross-examination, Lian confirmed that he did not investigate and had no knowledge as to how computer codes were assigned in Fleet Services. He also did not investigate and had no knowledge as to whether Respondent's computer access code was used by other MOS in her command to access this computer. Although he can determine which user codes are used to log on a computer, he does not know who the person is who actually enters the user code to sign into the computer. Lian can not determine who is sitting at the computer when the access code is being entered. Lian agreed that if a detective who has used a personal access code to log on to a computer does not shut down that computer; another person can use the computer for the rest of the day under the previous access code. He stated if the computer remains idle for more than ten minutes, the computer automatically shuts down and will not reactivate unless the personal access code is re-entered. Lian did not know whether other MOS assigned to Fleet Services possessed Respondent's access code or whether there was a yellow sticker next to the computer which contained Respondent's access code. Lian agreed that Respondent's access code did not provide access to any of the Department's confidential data bases.

On redirect examination, Lian confirmed that a MOS is required to safeguard their Department computer access code and that it is improper for a MOS to disclose their Department computer access code to another MOS.

Official Department Interview of Police Officer Person A

At an official Department interview conducted on October 1, 2010, Person A, who has since resigned from the Department, stated that Respondent and Calise were the only MOS who worked with her regarding Harlem Creations and the production of "I Lost My Heart in Haiti." Person A stated that neither she nor Respondent received any compensation regarding Harlem Creations and the production of "I Lost My Heart in Haiti." Person A stated that Respondent wrote the songs and was the director for "I Lost My Heart in Haiti." Person A stated that Calise was the stage manager. The actors were compensated by money from Person A's and Respondent's personal savings. Person A filed the paperwork for obtaining not-for-profit status for Harlem Creations with New York State, but because she filed the application using the wrong category for not-for-profit, she was denied the not-for-profit status.

Respondent's Case

Respondent testified in her own behalf.

Respondent

Respondent, a 19-year MOS who is presently assigned to the 84 Precinct, described her previous disciplinary record. In 2010, she forfeited 45 vacation days and was placed on dismissal probation for one year as a combined penalty after she pleaded guilty in two separate disciplinary cases. In one of the disciplinary cases, she pleaded guilty to escorting an unauthorized person into a restricted grand jury witness waiting room on December 12, 2005. She recalled that she had accompanied her nephew to a

court appearance. She was placed on modified duty and performance monitoring. She completed the dismissal probation in July, 2011, but she is still on performance monitoring.

Respondent first met Calise in 2005 when she was assigned to FSD. Calise was a training officer there and he showed her around the building and let her know what type of training she would need. They became friends. She met Person A there also. Respondent stated that all her life she was involved with the theater. She is a singer and writes songs and acts. She shared her love for the theater with Person A and Calise. In January 2010, after the earthquake in Haiti, Person A decided to write a play about Haiti because of how moved she was by the struggles of the Haitian people. She asked Respondent and Calise if they wanted to be involved. They had also discussed putting on together a beauty pageant, but after the earthquake they focused on the play about Haiti. They started working on the play two weeks after the earthquake.

On February 24, 2010, she submitted an Off-Duty Employment Application. Respondent was going to be the director of the plays produced by Harlem Creations. Her role was to handle the casting calls, cast the parts and "block" the actors. In the end, although she did not direct "I Lost My Heart in Haiti," she did donate her money and her time to the production. There were no discussions about her receiving any payment for her work. She did not work to be compensated and she never was compensated. She understood from Person A that their venture was to be a not-for-profit corporation. Person A was in charge of handling all the paperwork. Respondent did not believe that she needed permission from the Department in order to do her volunteer work.

In 2008, she held an off-duty employment position as a direct care counselor assisting mentally disabled adults with their daily living functions. Prior to 2010, Respondent had performed as a "DJ" and "MC" with Calise at an FSD party. She submitted paperwork seeking approval to work as a "DJ." Her Commanding Officer (CO) told her that she had been approved to "DJ" the event and she never "got the paperwork back." Since she never received any paperwork back regarding working as a "DJ," when she did not receive paperwork back regarding her Off-Duty Employment Application to form Harlem Creations, she believed it was okay to continue to work on Harlem Creations productions. Although she did not consider her involvement with Harlem Creations to be employment, she decided to it would be safer to submit an Off-Duty Employment Application because of her prior discipline experience.

She recalled that casting calls started in March, 2010. Person A put an advertisement in "Backstage", a newspaper for casting calls for cast member auditions in which she listed just her own telephone number. Respondent helped to choose the cast members. Initially, Person A paid for everything. In August 2010, Respondent took out a pension loan for \$4000.00 which she used to pay for production expenses. The play was not successful, so she never received any of her money back. Respondent stated that she handled ticket sales twice at the door of the theater for patrons who came to see the show. She collected the money and put it into a silver metal box that Person A kept. Respondent was never associated with Ticketleap.com and she did not set up an account the website.

She would sometimes go online and look at the website for the show while she was on duty at FSD. On more than one occasion, she printed a single copy of a flyer for "I Left My Heart in Haiti." She printed the flyer at her desk. She never used a

photocopier, a printer or any other Department resources for "I Lost my Heart in Haiti" or Harlem Creations. Respondent testified that she did not need to print more than one flyer because she had her own computer at home.

When Respondent started working at FSD, she worked in the Accident Desk which deals with all accidents pertaining to the Department. There were two working computers with internet and intranet access in the room and one computer that did not have any online access. There were initially three members assigned to the Accident Desk. The three members shared one computer code. The Accident Desk staff later expanded to six members. Person A was one of the members who shared the code. The sergeant who supervised the Accident Desk wrote the computer code down on a yellow post it which the sergeant attached to the computer or to the wall with a piece of tape.

When Respondent was restored to full-duty on June 29, 2010, she submitted another off-duty employment form for Harlem Creations because now she had arrived at a new command. After the last showing of "I Left My Heart in Haiti" on August 22, Respondent discontinued working with Harlem Creations.

On cross-examination, Respondent recalled that she had inquired about her February 2010 Off-Duty Employment Application at the CO's office. The secretary told her that the application was on his desk. Respondent never followed up with the secretary and worked on the "I Left My Heart in Haiti" production during August. In August, the ICO told her that he lost her application. Respondent helped with the auditions. Respondent stated that the actors were paid for their participation in the play by both Person A and herself. Respondent was confronted with the transcript of her official Department interview. She had stated that the money from ticket sales was maintained

by her and that she was the one in charge of the funds. Respondent also stated at her official Department interview that when she had printed flyers, she had printed out more than one document.

On redirect examination, Respondent stated that the only money that she ever personally distributed was to pay the actors for their performances. The money she obtained to pay the actors came from Person A.

FINDINGS AND ANALYSIS

Specification No. 1

It is charged that between January, 2009 and October 18, 2010, Respondent engaged in off-duty employment without permission or authority in that she “co-owned and co-operated” Harlem Creations, an event production “company.”

Respondent has always candidly acknowledged that she and Person A founded an organization they named Harlem Creations, that they attempted to produce a “Young Miss Harlem Pageant,” and that they did produce and put on the plays “Hello,” “The Lord Knows” and “I Lost My Heart in Haiti.”

The Assistant Department Advocate (the Advocate) argued that Harlem Creations was a “business” and that Respondent and Person A created and “co-owned” this “business” in order to make a monetary profit. The Advocate’s contention that Harlem Creations was a for-profit “business” and that Respondent was a “part owner” of this “business,” is based on Respondent’s answers to the questions contained in the Off-Duty Employment Application that Respondent completed and submitted (DX 2). Contrary to the Advocate’s position, the entries Respondent made on this application support

Respondent's contention that Harlem Creations was founded by Respondent and Person A solely for altruistic reasons and that the sole purpose of the organization was the charitable purpose of benefiting the Harlem community and the people of Haiti.

I find it significant that in the sections of the application that require the applicant to "Describe the Type of Business" and to "Indicate Work Schedule and Describe Specific Duties and Responsibilities," Respondent's entries regarding Harlem Creations and the "Young Miss Harlem Pageant" show that these entities were not being created as businesses because there was no intent to seek any monetary profit. In her typed responses, Respondent never entered the word "business" to describe Harlem Creations or the "Young Miss Harlem Pageant." Although in the section of the application labeled "Proprietary Interest," Respondent checked the "yes" box in answering the questions: "Do you have a proprietary interest in the business?" and "Do any other members of the service have a part ownership in this business?" the applicant is required to check either the "yes" box or the "no" box in answering these questions. Thus, the fact that Respondent checked the "yes" box in answering these questions does not mean that she actually intended to be a part owner of a for-profit business. Although Respondent never received formal approval of this application, the mere fact that a uniformed member has submitted an Off-Duty Employment Application does not, by itself, establish that such an application was required to be submitted because the member may have been mistaken in assuming that she needed to submit this application. I find that this is the case here.

The fact that Harlem Creations and the "Young Miss Harlem Pageant" were actually being formed as charitable entities is reflected by the fact that Department witness Alonzo agreed that if Person A had completed the process of obtaining non-profit

status for Harlem Creations, as she had promised Respondent she would (DX 1), Respondent would not have needed to submit any Off-Duty Employment Application.

The record also shows that the only thing that Respondent and Person A ever sold was tickets to attend the plays they produced. The Advocate did not dispute Respondent's and Person A's (DX 1) claims that all ticket proceeds were used to pay the actors who appeared in these plays and the theaters where they were performed and that neither Respondent nor Person A ever personally profited from any Harlem Creations production.

Two recent disciplinary decisions support the proposition that uncompensated volunteer work, even when such work is performed for a non-charity, does not constitute engaging in off-duty employment.

In *Case No. 84801/08* (Findings approved on Aug. 11, 2011), a lieutenant who was charged with engaging in off-duty employment without permission was found not guilty. The evidence adduced at trial established that Respondent had worked as a "corner man" for a professional boxer during a championship fight that was broadcast on national television. However, in that case, as here, the record established that Respondent was a volunteer, that he received no compensation for this work, and that his purpose in performing the work was not to obtain future paid employment as a "corner man" for other professional boxers but, rather, solely to enhance his prestige and recognition as a volunteer coach. Thus, his occasional work as a "corner man" was found not to constitute actual employment.

In *Case No. 2011/10* (Jan. 5, 2012), a detective who was charged with engaging in unauthorized off-duty employment for appearing at bodybuilding expositions was found

not guilty. In that case, as here, an investigation was initiated based on an anonymous letter that was received by IAB which alleged that the detective was engaged in unauthorized off-duty employment. The detective was found not guilty even though the evidence adduced at trial established that the detective had made appearances at two trade shows for a company that sold products; that he stood at a booth rented by the company wearing a T-shirt that contained the name of a product produced by the company; and that the company sponsored him at bodybuilding competitions by paying for his meals, offering him training assistance, providing him with supplements, and reimbursing him for the cost of airfare, hotel stays and some meals.

The detective was found not guilty of engaging in unauthorized off-duty employment because his appearances at these bodybuilding expositions were found to be voluntary and for the sole purpose of increasing his popularity within the bodybuilding community and networking with people who could further his planned post-Department career as a stuntman, benefits that were personal in nature and consistent with his hobby as an amateur bodybuilder; because he was not compensated for standing at the booth; because there was no express or implied agreement that he had to stand at the booth or wear the T-shirt; because there were times when he stood at the booth while he was not wearing a company product T-shirt; and because the payments for his hotel and meals was not contingent on him standing at the booth.

Since in that case it was found that the detective had not engaged in off-duty employment even though he made public appearances at a booth rented by a retail sales company, sometimes wearing a T-shirt that contained the name of a company product, and was reimbursed by the company for some of his appearance expenses, Respondent

here cannot be said to have engaged in off-duty employment where she received no reimbursement for any of her expenses associated with Harlem Creations, including producing and putting on the plays.

Since the Department did not meet its burden of presenting convincing evidence that Respondent engaged in off-duty employment, Respondent is found Not Guilty of Specification No. 1.

Specification No. 2

It is charged that between January, 2009 and October 18, 2010, Respondent utilized Department computers, printers, and related supplies for a non-Department purpose in that she used Department resources and equipment to print flyers and other postings related to an event production company she co-owned and co-operated, and that she used a Department computer to access internet web sites for a non-Department purpose on 33 occasions.

At her official Department interview and at this trial, Respondent admitted that she used a Department computer to print out more than one Harlem Creations flyer and Lian's testimony interpreting the computer use records in evidence (DX 4) sufficiently establishes that it was Respondent who used a Department computer to access internet web sites, including Harlem Creations, for a non-Department purpose on 33 occasions.

Respondent is found Guilty of Specification No. 2.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222, 240 (1974).

Respondent was appointed to the Housing Authority Police Department on August 30, 1993. Information from her personnel folder that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Advocate recommended that Respondent forfeit a total of 40 days (consisting of 25 vacation days and a 15 day suspension).

Since Respondent has been found Not Guilty of Specification No. 1, the only misconduct Respondent has been found Guilty of here is using a Department computer to access internet web sites for a non-Department purpose and using printers and related supplies for a non-Department purpose in that she used Department resources and equipment to print flyers relating to Harlem Creations. Thus, a substantially lesser penalty than was recommended by the Advocate is warranted.

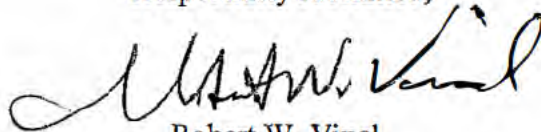
In *Case No. 2011-3675* (March 12, 2012), an 18-year lieutenant with no prior disciplinary record forfeited ten vacation days after he pleaded guilty to using the Department computer system to compose and send electronic mail, conduct internet searches, and prepare documents and store files pertaining to his authorized off-duty employment. He also pleaded guilty to conducting personal business while on duty.

Although Respondent here did not use a Department computer and printer for a for-profit business but, rather, for a charitable organization, at the time Respondent used a Department computer to access internet web sites for a non-Department purpose and used printers and related supplies for a non-Department purpose she was on dismissal

probation as the result of a prior disciplinary adjudication (see attached Confidential Memorandum).

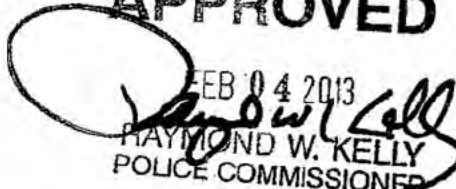
Based on Respondent's prior disciplinary record, I recommend that Respondent forfeit 25 vacation days.

Respectfully submitted,



Robert W. Vinal
Assistant Deputy Commissioner – Trials

APPROVED



FEB 04 2013
RAYMOND W. KELLY
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

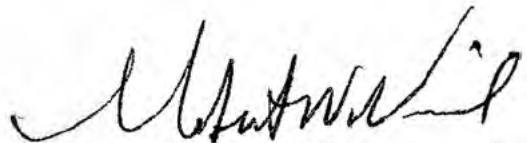
From: Assistant Deputy Commissioner - Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
DETECTIVE ANNGEANNET PINKSTON
TAX REGISTRY NO. 914481
DISCIPLINARY CASE NO. 2010-2983

The Respondent received an overall rating of 3.0 on her 2011 performance evaluation, 3.0 on her 2010 evaluation, and 4.5 on her 2009 evaluation. She has no medals. [REDACTED]

She has a prior formal disciplinary record. In 2010, she forfeited 45 vacation days and was placed on dismissal probation for one year as a combined penalty after she pleaded guilty in two separate disciplinary cases. In one case, she pleaded guilty to escorting an unauthorized person into a restricted grand jury witness waiting room on December 12, 2005; escorting a defendant into the prosecutor's office; conducting personal business while on duty by accompanying [REDACTED] to a bail hearing; and having failed to submit a PD 451-021 form after she had changed her residence address. In the other case, she pleaded guilty to being out of residence without permission while she was on sick report on February 10, 2007.

On May 29, 2007, she was placed in Level II Disciplinary Monitoring which ended on February 5, 2010. On January 27, 2010, she was placed in Level III Dismissal Probation which ended on July 1, 2011. On July 1, 2011, she was placed in Level II Disciplinary Monitoring which is continuing.

For your consideration.



Robert W. Vinal
Assistant Deputy Commissioner Trials